

**Notice of Allowability**

Application No.

09/692,748

Examiner

Nga B. Nguyen

Applicant(s)

FINDLAY ET AL.

Art Unit

3692

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the communication filed on May 3, 2006.
2. ☒ The allowed claim(s) is/are 1-35.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is the answer to the communication filed on May 3, 2006, which paper has been placed of record in the file.
2. Claims **1-35** are pending in this application.

#### ***Allowable Subject Matter/Reasons for Allowance***

3. Claims **1, 31, and 32** are allowed over the prior arts cited records.

The closest prior art is :

Gatto (US 6,681,211) discloses a computer-implemented tool that assists a user in evaluating the performances of security analysts and in determining an optimal combination of the analysts' estimates. The apparent goal of Gatto's tool is to help a user: (i) identify how certain factors pertaining to an estimate or to the analyst who made the estimate affect the accuracy of the estimate; and then (ii) manually assign corrections and weights based on that information, in order to produce a prediction model. The resulting model can then be used to combine future estimates to produce a composite (again, hopefully optimal) forecast. In other words, Gatto is concerned with facilitating an improved combined forecast of the future value of some parameter related to an identified security. By comparison, the present invention primarily is concerned with how the market is doing an asset and, in particular, focuses on the component of the asset's market price that results after separating out the influences caused by factors that are reflected by certain selected exogenous variables.

Therefore, Gatto's invention would not obvious of: calculate the formula using an input set of observed values for the exogenous variables at given point in time, so as to obtain a price estimate for the asset at said given point in time; and determine a similarity measure by comparing the price estimate for the asset at the given point in time to the observed price for the asset at the given point in time; and forecasting a direction in which the observed price of the asset will move, as included in claims 1, 31, and 32.

4. Claims (2-30, 33), 34, and 35 are allowed because they are dependent claims of the allowable independent claims 1, 31, and 32 above, in that order.

### **Conclusion**

5. Claims **1-35** are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

7. Any response to this action should be mailed to:

Art Unit: 3692

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria VA, 22131-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox Building, 501 Dulany  
Street, Alexandria, VA, First Floor (Receptionist).



**NGA NGUYEN**  
**PRIMARY EXAMINER**

September 24, 2007